

410-RICR-20-00-25

TITLE 410 –BOARD OF ELECTIONS

CHAPTER 20 - Elections

SUBCHAPTER 00 – N/A

PART 25 - Emergency Rule and Regulation Establishing Vote-by-Mail Ballot Drop Boxes for March 2, 2021 Special Referendum

25.1 Purpose

The purpose for this Rule and Regulation is to provide mail ballot voters with an alternative method for the submission of ballots to the Board of Elections for tabulation in the March 2, 2021 Special Referendum by establishing drop box receptacles in each city and town in the State of Rhode Island and to address the need to offer an alternative method of transmitting the mail ballots to the Board on a timely basis under the requirements of R.I. Gen. Laws § 17-20-16.

25.2 Definitions

- A. “Drop Box” shall mean a locked and secure container that shall serve as a receptacle for the receipt of mail and emergency ballots cast by voters under R.I. Gen. Laws Chapter 20-17 during the March 2, 2021 Special Referendum (hereinafter “Election Day”). Every Drop Box established by the Board shall be deemed to be the property of the Board and shall be available to the public beginning twenty (20) days prior to Election Day and twenty four (24) hours per day and seven (7) days per week throughout this period if established outside the municipal building, and during the normal business hours of the facility if established inside the municipal building. All drop boxes must be accessible on Election Day from 7 a.m. through 8 p.m. (except for New Shoreham which shall be available from 9 a.m. through 8 p.m.), in accordance with R.I. Gen. Laws §§ 17-18-10 and 17-18-11.
- B. “Sealed Certification Envelope” shall mean the envelope described under R.I. Gen. Laws § 17-20-21 that is provided to the mail ballot applicant by the Secretary of State for purposes of returning by mail the completed ballot to the Board of Elections. The Sealed Certification Envelope includes the certification provision set forth under R.I. Gen. Laws § 17-20-21.
- C. “Secure Ballot Transfer Device” shall mean a lockable bag or container in which ballots deposited at a Drop Box shall be placed for purposes of transporting to

the Board of Elections. Said device shall remain locked while in transit to the Board of Elections and be accessible only by the Board of Elections or the local board of canvassers.

25.3 Effect of Depositing Ballot in any Designated Drop Box.

- A. For purposes of this Rule and Regulation, any ballot that is cast by a voter as either a mail ballot or emergency ballot and is deposited by the voter into any Board of Elections Drop Box on or before 8 p.m. on Election Day, shall be deemed to be received by the Board of Elections, pursuant to the requirements of R.I. Gen. Laws § 17-20-16. NO BALLOT SHALL BE ACCEPTED AND TABULATED IF NOT INSERTED WITHIN THE SEALED CERTIFICATION ENVELOPE PROVIDED TO THE VOTER PURSUANT TO R.I. Gen. Laws § 17-20-21.
- B. Any ballots deposited in any Board of Elections Drop Box by 8 p.m. on Election Day and enclosed within its Sealed Certification Envelope shall be processed, certified and tabulated in the same manner as all other mail and emergency ballots that have been cast and received by the Board of Elections by 8 p.m. on Election Day.

25.4 Drop Box Requirements and Locations

- A. A Drop Box shall be established in each city and town in the State of Rhode Island, and outside the office of the Secretary of State, and to the extent feasible shall be located prominently and in close proximity to the entrance at the exterior of the city or town hall building in each community. The Drop Box may be established inside a city or town hall building but only if it is placed in the vicinity of the office of the local board of canvassers and the building remains open and accessible to the public up throughout the prescribed time period prior to Election Day and until the close of the polls at 8 p.m. on Election Day and provided further that prominent signage be displayed outside of the municipal building that notifies the public of the existence and location of the Drop Box. The Drop Box may be established outside an alternate location within the city or town upon request of the local Board and upon approval of the state board. A Drop Box shall also be located within all polling places used in each city and town on Election Day, provided that the polling place is not located within a city or town hall where a permanent drop box is already installed on the premises.
- B. Each Drop Box shall be tamper-proof and the Drop Box shall use a slot opening that is capable of receiving mail and emergency ballots within the sealed certification envelopes. The opening of the Drop Box shall not be capable of receiving any larger item, including any package or material that could damage any deposited ballot. If the Drop Box is outside, it must be securely fastened to

the ground and also be designed to protect deposited ballots from any outside elements, including rainwater.

- C. The location of the Drop Box and the slot opening must be accessible to any handicapped person, and be at a height that permits the deposit of a ballot from the height of a wheelchair.
- D. The Drop Box shall be clearly and visibly marked, as an "OFFICIAL BALLOT DROP BOX FOR ELECTION DAY. Ballots must be deposited here no later than 8 p.m. on Election Day unless the voter is in line to deposit his or her ballot at 8 p.m." Each Drop Box shall also display the official seal of the Board of Elections.
- E. The Drop Box shall also notify the voter that no postage is required when depositing the ballot into the Drop Box and that each ballot must be deposited within the Sealed Certification Envelope provided to the voter.

25.5 Public Notice of Drop Box Locations

The Board of Elections and Secretary of State shall provide public notice of the availability and location of each Drop Box. Said notice shall also be posted on the websites of the Board of Elections and Secretary of State and, to the extent feasible, on the official website for each city and town in Rhode Island.

25.6 Process for Retrieval and Delivery of Ballots Deposited in Drop Boxes

- A. The Board of Elections shall designate one or more staff members of each local board of canvassers as the official agents of the Board of Elections, for purposes of retrieving ballots deposited in Drop Boxes. For drop boxes outside the facility, each business day prior to the close of business of the local board of canvassers during the twenty-five (20) day period prior to Election Day, one or more staff members of each local board of canvassers shall retrieve all ballots deposited within the Drop Box and secure the ballots within the Secure Ballot Transfer Device office for subsequent delivery to the Board of Elections. For drop boxes established inside the facility, one (1) or more staff members of each local board of canvassers shall at least twice per week retrieve all ballots deposited within the Drop Box and secure the ballots within the Secure Ballot Transfer Device office for subsequent delivery to the Board of Elections.
- B. At 8 p.m. on Election Day, upon the last ballot deposited by any person in line at that time, the designated agent of the Board of Elections shall ensure that no other ballots are deposited in the Drop Box. Each Drop Box must be sealed and locked. The Drop Boxes ballot slot opening should also be covered and locked to

prevent voters from attempting to deposit ballots after the close of the polls on Election Day.

C. Ballots shall then be retrieved from the Drop Boxes by the designated agent of the Board of Elections, accompanied by one or more staff members of the local board of canvassers.

D. The Board of Elections agent and a staff member of the local board of canvassers shall then collect all ballots from the Drop Box and place the ballots in a Secure Ballot Transfer Device.

E. The date and time of retrieval, and the number of ballots contained in the Drop Box, shall be noted on a retrieval form provided by the Board of Elections.

F. Upon retrieval of the ballots from the Drop Box, the Board of Elections agent shall also inspect the Drop Box for any evidence of tampering and shall note any such finding on the ballot retrieval form.

G. The completed ballot retrieval form shall be affixed to the outside of the Secure Ballot Transfer Device.

H. The ballots shall be transported to the Board of Elections in the Secure Ballot Transfer Device for processing and tabulation. Only persons designated by the Board, including assigned law enforcement officers, shall be authorized to transport the ballots to the Board. The Board shall record the time and date that the transported ballots were received.

I. When the Secure Ballot Transfer Device is received and opened by the Board, the number of ballots contained therein shall be counted by the Board staff to confirm the information contained on the ballot retrieval form. The Board findings shall be set forth on a ballot receipt form. The Board shall then process and certify the Sealed Certification Envelopes and tabulate the enclosed ballots in the same manner as all other mail and emergency ballots in accordance with the statutory requirements of R.I. Gen. Laws Chapter 20-17.

410-RICR-20-00-25

TITLE 410 - BOARD OF ELECTIONS

CHAPTER 20 - ELECTIONS

SUBCHAPTER 00 - N/A

PART 25 - EMERGENCY RULE AND REGULATION ESTABLISHING VOTE-BY-MAIL BALLOT DROP BOXES FOR MARCH 2, 2021 SPECIAL REFERENDUM

Type of Filing: Adoption

Agency Signature

Agency Head Signature

Agency Signing Date

Governor's Signature

Signed By

Governor or Designee

Governor Signing Date

Department of State

Regulation Effective Date

Department of State Initials

Department of State Date